

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6836 of 2018

Arising Out of PS.Case No. -346 Year- 2017 Thana -ALOU LI District- KHAGARIA

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1. Anil Mahto @ Anil Kumar son of Late Ram Kishun Mahto @ Chaudhary Mahto,
2. Manoj Mahto, son of Late Ram Kishun Mahto, both resident of Village- Chhoti Simraha, P.S.- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Informant : Mr. Mrityunjay Kumar
For the State : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-03-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Alauli P.S. Case No. 346/2017 instituted for the offences under Sections 147, 148, 341, 323, 325, 307 and 504 of the Indian Penal Code.

It is alleged in the written report that petitioner no. 1 had illicit relation with the mother of the informant and when the informant protested, petitioner no. 1 along with other accused persons assaulted him with *lathi* on his head. It is further alleged that Bhabhi of the informant, namely, Kamini Devi tried to intervene then she was hit with tractor by Ashok Mahto on account of which she sustained fracture of waist bone and subsequently died in



P.M.C.H. during course of investigation.

Case diary has been received, wherein injury report of the informant shows that the informant has received two lacerated injuries caused by hard and blunt substance. The opinion is kept reserved.

Considering the specific allegation of giving repeated blow on the head of the informant by petitioner no. 1, this Court is not inclined to grant anticipatory bail to petitioner no. 1, Anil Mahto @ Anil Kumar. Accordingly, his prayer for bail is rejected.

So far petitioner no. 2, Manoj Mahto, is concerned, there is no allegation of specific overt act against him. The prayer for anticipatory bail of the petitioner no. 2 is allowed. In the event of surrender/arrest of petitioner no. 2, named above, within six weeks from today, in connection with Alauli P.S. Case No. 346/2017, petitioner no. 2 shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and



reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J.)

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